Leeds City Council

**Review of the operation of the Plans Panels
and decision-making**

Addison & Associates

1. Executive summary

Over a number of years there has been a change in the role that planning has to play at all levels. This has led to increasing expectations of what planning can and should deliver in Leeds by the local community, local members, stakeholders and the Government. As a service planning in Leeds has to be increasingly efficient and effective, to provide better quality customer care, produce faster decisions and higher quality schemes. These are increasingly complex and members and officers have to address issues ranging from aesthetic design to responding to climate change. As in all planning authorities, this has an impact on the skills required at member and officer level, the procedures that need to be in place and the level of resources applied. It is in this context that like many planning authorities Leeds is reviewing its approach to planning to match the current demands and improve it.

Leeds is the subject of substantial change and growth which is exerting considerable pressures on the planning service and it is likely that this will continue in the foreseeable future. These pressures have created some difficulties for the service which the authority has identified need to be addressed. Leeds has one of the largest and most demanding development control services in England dealing with some 8,000 applications annually of which approximately 230 are major applications as defined by the Government. Workloads in development control are high with average caseloads of about 180 cases per case officer against a benchmark used at national level of 150 cases per case officer.

The authority has recognised the need for change and has responded by instigating some reviews of which this is just one part. This review has taken as its benchmark the description of an ideal planning service[1] given Leeds's desire to provide an excellent planning service. The test is therefore hard and the focus has been on areas for improvement building on those already made. This review was instigated following work by the Overview and Scrutiny Committee and its report of March 2007. It has focused on the operation of the three plans panels and needs to be considered alongside other work being carried out internally

---

[1] Based on the IDeA benchmark for an ideal service

within the department. This review included a joint workshop with officers and members, observation at each of the 3 Plans Panels, a number of interviews and meetings with members and the private sector stakeholders as well as considering documentation. From these different sources there is a consistency of message both in terms of the issues facing the service but also some of the solutions that could be implemented. There are a number of quick and easy wins that could be implemented that would make a substantial difference to the perception of the service. These build on changes already made. There are also some more difficult decisions and aspects that are longer term as they are about attitudes and behaviour or resources. Cultural and behavioural change on the part of officers, members, applicants and community is normally slow but needs to adjust to meet the changing requirements of planning.

A key element identified is the nature of the relationship between officers and members in respect of some of the judgements made. This may reflect the skills of officers and members and the changing demands. The level of resource available is also a concern if the officers are to provide the quality of service required, given the workload, as is the roles of members and the Panels, particularly that of the Chairs.

Through the discussions held a number of principles have been established e.g. need for consistency between the panels, and a series of actions are recommended to address the issues identified. In summary the action cover the following aspects:

1. Agenda - format, order, content and style
2. Operation of Panel – Chairing, presentation of reports, summaries
3. Report formats
4. Protocols for site visits including timing, member role, engagement with stakeholders, pre-application discussions etc
5. Training
6. Call in procedure
7. Consultation on major applications

2. *Introduction and context*

This review was commissioned by the Chief Planning Officer in the context of the Overview and Scrutiny Committee's Planning Performance Final Inquiry Report March 2007. The review, to action recommendation 1 of the March report, was initiated in May 2007 as part of the wider review being undertaken by the Chief Planning Officer to follow through on the 5 improvement themes. Addison & Associates were asked to undertake an independent and objective evaluation of the Plans Panels. The review has focused, as would be expected, on those aspects of the service that would benefit from improvement against "an ideal service" and therefore the report highlights issues rather than good practice. The

service has already instigated a number of changes to improve the way it operates but like any good service it wishes to do more. It should be read in this context. The service has for example already instigated improvements in relation to presentations, pre-application discussions and dialogue with community groups.

In addition full account should be taken of the substantial pressure on both members and officers given the volume of work, the level of member and community interest, and the complex nature of much of the work underway. Leeds development control service has one of the largest volumes of work in England with some 8,000 planning applications of which approximately 230 are major applications as defined by the Government. Amongst those are a considerable number of large, complex and controversial schemes at any point in time. Both members and officers have heavy workloads as a result as demonstrated by the Panel agendas and the fact that officer workloads are approximately 180 applications per case officer against a benchmark maximum of 150. Leeds, like all planning services can continue to improve, but it is already clear that changes made in the recent past are delivering improvements to the service.

The evaluation began with key officer discussions in May and concluded with the presentation of the report to members and officers. It arose out of concerns expressed by the members and the community as to way in which the Plans Panels were operating and a view that, given the pressure of work, different arrangements were needed.

The planning function within the City of Leeds is and should be high profile. The City Council are keen to ensure that the service "goes up a league" in terms of performance and becomes excellent. The city is going through substantial change not only within the city centre but throughout the city and is seeking to establish itself as a major European city. Planning is the key council function which manages that change in terms of the shaping of the city and the outcomes of development: its performance and effectiveness are highly visible in shaping the way places look and are used, and as the local authority's primary "shop window" given the public nature of planning. The pressure on the service in recent years has been intense and this is likely to remain so given the current national and local planning agenda.

The objectives of the review are to make recommendations that will:
• Make the decision-making process better for members, the public and development industry
• Ensure quality outcomes are achieved for the city consistently and sustainably
• Ensure the decision-making process is both cost effective and fit for purpose

- Create capacity for members and officers to engage in more pre-application discussions, including for example more position statements, and policy work

The evaluation was undertaken by Lynda Addison, Alison Blom-Cooper and Karen Moore of Addison & Associates. All three people are qualified planners and have worked in local government: Lynda is a former director of planning; Alison is a former planning ombudsman and inspector, and Karen a former a section leader in corporate strategy and performance. All three have been part of a team employed by the ODPM/CLG reviewing planning standards authorities (over 200 have been evaluated) and currently undertake work for the PAS reviewing planning services and supporting improvements in local planning authorities, producing best practice notes and providing training.

3. Key findings from review

This section sets out the key findings from the range of research and analysis undertaken. It is based on attendance at one of each of the 3 Plans Panels by a team member, a review of key documentation, interviews with leading members and representatives of the business community, discussion with officers, and a facilitated workshop with members and officers. The main issues to arise from these different sources are summarised below. In addition to our review the service has carried out a questionnaire survey of those attending the Plans Panel meetings to ascertain how they found the meetings. The outcomes from this research are also referred to below.

3.1 Review of the three Plans Panels

Our review of the Panels was undertaken in June and July by observing what went on at one of each of the Panels, how the business was handled, how it felt to be a consumer of the process, and the quality and suitability of the information provided to members. Not surprisingly the conclusions we reached mirror those from the questionnaire survey the service undertook but our range of areas of evaluation was wider. There were variations in the way the different panels operated but many of the issues were relevant to all Panels to a greater or lesser extent.

The size of the Panels had been reviewed just prior to the visits and had been reduced to 9 members: this size appears to operate well. Other changes are underway in some Panels to address some of the issues highlighted below. In addition the analysis covered only one of each of the Panels so that they could operate very differently at other times. The common issues across all the Panels were:
- The room used for the meetings was not suitable for the task: those in the public gallery had difficulty hearing, knowing who was who, who was

speaking, where you were on the agenda, what the decision reached was, seeing the plans – this is being addressed in part by current improvements by the Chairs

- The structure and content of the agenda meant that people had sometimes to sit for long periods of time waiting for their item which could then be deferred, and did not know how long they would be there: this also affected members as meetings could be 6 or 7 hours long with key strategic decision items being at the end of the agenda when some members may have left

- Other than the agenda no information was provided for the public as to who was present, how the committee would run, the arrangements for public speaking, on what basis site visits were requested, why particular items were on the agenda – this matter has now been partly addressed and new leaflets are being produced

- A substantial amount of time was spent on presentations by some officers, as well as by some developers, reports were often lengthy, and it was not always clear what was the scope of the decision to be made, the policy context and what the key issues were

- The role of officers attending was not always clear and they did not always fulfil the role one would expect e.g. who was taking notes, the role of the legal officer in providing advice, planning officers not always intervening to ensure the policy and factual position was clear, or responding to member concerns and to ensuring robust planning decisions were being made

- The chair and officers did not always ensure that time was used wisely: officers spoke on all items, sometimes at length, and not necessarily highlighting key issues, this issue was not only relevant to planning officers but other officers present; discussion was sometimes unfocused and repetitive; matters were deferred relatively easily for more information or a site visit whether this was or was not essential to make an effective decision and even after long discussions; officers read out all late comments; the rules for public speaking were not always adhered to; there was some lengthy debate on minor matters at the expense of other items; members engaged in discussion about matters of great detail

- The agendas included matters which would normally be expected to be a delegated decision and it was not clear why; in addition some items had been before the Panel on a number of occasions and again the reason was not clear why they had returned to the Panel and the scope of the discussion that should be pursued

- Advice on some key areas of concern was not always available: highways and transport issues particularly raised concern but planning and legal officers did not always respond to questions raised

- Members' conduct at the meeting was not always as business-like as to be expected or wholly consistent with the expected standards of behaviour in terms of attendance in the room and when speaking

3.2 Member workshop

A joint member and officer workshop was held on the 3 July 2007 to discuss the operation of the Plans Panels and the priorities for change. A total of 16 members and officers attended the debate. Many of the issues raised in the workshop echo those raised at the interviews and in the comments from the authority's own survey at the Panels. There was a considerable degree of consistency of view during the discussions, particularly on the issues, between members as well as between members and officers. Members were supportive of change and accepted the need for improvement. The agenda covered the following matters:

- The national context, good practice, and key issues from the evaluation to date
- What operational principles should be set for Panels?
- What key changes should be made?
- What are the priorities?

The major concerns of members and officers were:

- The volume of business on the agendas and the lack of time to deal with key matters e.g. pre-application items, as well as the uncertainty of the length of the meetings and when items would be discussed
- The lack of consistency across the Panels and the way they operated
- The poor quality of the accommodation creating problems for members and the public
- The conduct of members and officers at the meetings and the quality of debate and information provided

There was general acceptance that the operational principles should be:

- All Panels should operate consistently in terms of agendas, coverage, processes, procedures, policy, approach and chairing
- All Panel members should agree to abide by a set of approved protocols covering the approach to the full range of issues and these should be enforced consistently by the Chairs
- Officers should ensure that all relevant key information is available at the meetings, reports are clear and of a high quality, presentations where needed at short and cover key issues
- Fewer applications should be on the agendas with a focus on those that are important, the agendas should be reordered and timed and except in rare situations matters should not be deferred

In the light of these issues and operational principles the major conclusions in respect of priority actions were:

- Improve the room – the acoustics in particular

- Revise the procedures and protocols to ensure consistency and performance of decision-making at the Panels
- Take action to improve the relationships between members and officers to maximise effectiveness
- Revise the agendas in terms of order, content, timing and matters taken to Panel
- Improve the experience of those attending
- Reconsider the site visit arrangements

3.3 Interviews

A number of one-to-one interviews were undertaken together with a discussion with some staff as part of understanding the different perspectives on the service. The members interviewed came from different political groups and included the Chairs of some Panels. The outcomes from these discussions raised many of the same issues that had been highlighted in the member workshop and also were identified when observing the Panels in operation.

It was generally acknowledged that many of the problems reflected the growing workload and complexity of the tasks. It was also noted that Leeds had many competent staff but they were overloaded.

The main comments were:
- The image of the planning service had declined in recent years
- The three Panels operated very differently, they were inconsistent in decision-making and the quality of chairing of the meetings variable although improving
- There was a sense by some that the meetings were not as effective as they needed to be: members and officers were not spending their time wisely and focusing on key applications or issues
- The amount of time required by members given the length of the meetings, the volume of items, the establishment of the site visit process prior to the meeting and the length of the reports was putting substantial pressure on members: this resulted in some members not being able to effectively participate and also the arrangements for the "Panel day" created substantial logistical problems for members including even simple matters like getting refreshments
- There was inadequate time for pre-application discussions on major schemes at the Panels and concerns about how members could become effectively engaged: there was a need for a "safe" place to have discussions and to have more and better information earlier on major schemes – some changes have already been made to improve this
- The uncertainty about the length of the meetings and when items were likely to be discussed created difficulties for all parties: there was no time management of the agendas

- The public and the applicants were dissatisfied with the meetings, not only the arrangement of the agendas but the room, the acoustics, understanding what was happening and what decisions had been made – the latter issues are being addressed
- The quality of the reports and information provided by officers was not always up to the standard required sometimes resulting in items being deferred for another meeting
- Officer presentations at meetings could be lengthy and poor: it was often not clear what the main issues were
- Too many applications came back to the meetings on a number of occasions: many applications were taking much too long to determine, there was a tendency by officers sometimes not to refuse when they should but continue lengthy negotiations to seek to improve the scheme
- There was concern about the quality of the relationships between members and officers: the former did not necessarily believe that they could rely on all officer judgements: this was resulting in more applications being "called in" as well as members getting engaged in matters of detail, being "hands on" and it increased the demand for site visits
- Planning is a key public face of the authority and at the moment it is not giving the image desired: it should be about "shaping places" with the community
- Debates at the meeting could be circular: to change the way the Panels work and members and officers relate to one another behave will be a steep learning curve for some although the process is underway – training and development for officers and members will be important
- The Chairs of the Panels are not currently engaged with policy development given the organisational structures so there is not necessarily ownership of the policies which could be resulting in inconsistent decision and uncertainty for the community and applicants
- Given the volume of business on the Panels it was thought by some that consideration should be given to a fourth Panel as it was perceived that this would allow more time for pre-application discussions (see below)
- The political makeup of the authority as well as within the Panels could affecting the performance of the Panels and planning
- There are inadequate links between planning and highways: there are sometimes issues that are not addressed by the highways section
- The current protocols and procedures were not always applied or applied consistently between Panel Chairs, by officers and over time within Panels – changes underway are seeking to address this
- There were concerns expressed that the nature of some of the changes that are needed could be difficult to implement as there could be some member reluctance so a strong and robust approach would need to be taken by the leadership and the Chairs of Panels – this will affect the delivery of the

vision as well as the operational changes: many of the current problems are longstanding patterns of behaviour

3.4 Private sector

A discussion was held with representatives of the business community and in addition some correspondence was examined relating to the service. The private sector were delighted that the review was underway and very positive towards their engagement in it. They have appreciated the opportunity to input their views and meet the Chairs of the Panels. They also have a high regard for many officers and acknowledge that some people within the private sector also need to raise there game. They acknowledged that changes in many of the areas of concern are already underway.

Their key concerns are:
- The need to improve members' skills and performance: they can change their mind, be inconsistent and easily become involved in considerable detail inappropriately, meetings can sometimes be not as business-like as needed
- That some applications are taken to committee e.g. 9 times, and can take years with issues changing or lacking clarity
- Senior officers do not attend Panel (above Area Manager) and no policy offices attend: the relationship between members and officers needs developing with members sometimes appearing to trust a lay person rather than officers
- A few of the reports are inaccurate with factual mistakes and there is no opportunity to correct them
- The physical facilities for the Panels are poor in layout and audibility
- The chairing of meetings is beginning to improve but it has often not been possible to understand what decision was taken
- A key concern is in relation to pre-application discussions as:
  o There are few planning briefs
  o There is little opportunity to seek members views and take stock but it was acknowledged this has begun to change recently
  o Members and officer views are not always consistent and sometimes out of date
- Members do not consistently apply agreed policy and policy is not always clear in the reports to Panels
- Policy is out of date and does not take account of market conditions and reality or practicality – the timescale for new policy formulation is considerable e.g. AAP covering regeneration aspects not due until 2009
- Site visits are important as some members can not read plans effectively
- Officers are overwhelmed with work but they are not always clear at meetings and can lack rigour and robustness; there is a tendency to ask for too much information with applications which is unnecessary and not

relevant but they sometimes take a "risk adverse" approach and ask for everything especially in the case of junior officers or new staff adding to the workload problem

- Senior officers do not appear to vet applications on initial submission to clarify what is required, whether a section 106 will be needed etc.: the latter is not instigated until well after committee when instructions are given the legal services, and support from the legal services is poor at the Panel, their capacity may be an issue – the practice in relation to section 106 and its instigation is changing
- Conditions are not enforced; there is no discharge of conditions even for remediation works
- There are limited pre-application discussions which could be as a result of inadequate capacity and it is often difficult to get a response from officers to queries and it is not unusual to get a different response from different officers – recent changes are seeking to address the capacity for pre-application discussions with members and officers
- The authority appears not to have as good a working relationship with some stakeholders as needed, which creates additional work for members and officers – however this may be changing given positive action
- There are considerable design issues for members and officers – a new design panel has been established but it is not clear how this will operate and whether there will be access for developers: there is a need to review implemented schemes and learn lessons which should feed into a design guide for the authority; there is also a need for more design qualified staff

The key changes with private sector would like to see are earlier engagement, more informed well trained members and officers and a better relationship developed between members and officers.

3.5 Review of Panel reports and other Leeds' documentation

A selection of committee reports were reviewed from each of the Panels as well as the agendas. The style of the agendas, the order and the clarity of the content could benefit from some improvement to make it more effective, shorter in length and more efficient in terms of use of time and paper. The agenda could ensure key discussion items were first and those where there were public speakers as opposed to appeal decisions; it could include the recommendations and whether it was subject to a site visit (including the reasons why), a member call-in (including the reasons why); and the layout could be clearer e.g. on one page, by including the planning applications to be considered as part of it rather than separate and changing the layout. Some of these changes are already being considered or implemented. Many of the matters on the agendas were of a minor nature and it was not clear why they were included in the Panel agenda as they should have been suitable for delegated decision.

In the documentation received there was information on the site visits to be undertaken prior to the Panel. The correspondence gave no indication as to the reason for the site visit which can clearly consume a substantial amount of member and officer time. Given the demand this places on both parties, and the possible inconvenience for many members in devoting a working day to Panel business, it is clearly important that any visit is essential and adds value to the decision-making process. Some consideration of this aspect is underway.

There is growing best practice guidance that would suggest that where members are to make a decision on an application they will need to have been party to all the information provided and therefore have attended any formal site visit if they wish to vote on the matter. This could create substantial difficulties for some Panel members given the current tendency for site visits, a practice that is much more limited in many authorities. There appeared to be no provision for a break or refreshments as part of the timetable for the day as after site visits a presentation was sometimes organised prior to the beginning of the meeting. Again the papers received did not make clear why there was a presentation, who was giving it and what outcome was sought but this may be just those received. It was not included on the agenda but in the separate correspondence about the site visits.

The minutes of the meetings were clear but did indicate a tendency for deferrals for more information or even when the decision had been made e.g. to refuse. There were a number of reports on appeals determined presented to the Panels and these were first on the agendas seen. Some of these reports were extremely lengthy and it was sometimes difficult to extract the key information required by members easily: even where short. In others the entire inspector's decision letter was included. Given the overall length of agendas and the limited amount of time available to members (and officers in terms of drafting and checking) consideration could be given to the way appeals information is relayed to Panels, why and when. This is particularly important given Leeds' current appeals performance.

A number of planning applications reports were reviewed from the agendas received. The quality of the reports varied with some much clearer than others but the format, content and clarity overall could be improved in comparison to best practice. Some will be difficult to read as a lay person and do not seem to have been drafted with that in mind. Some reports began with a numbered list of items which it could be unclear as to what they were especially to anyone without inside knowledge. Some list policies but do not effectively clarify the relevance and weighting of their application. The main issues for consideration tend to be well into the report and not always clearly set out. On some reports officers had declined to give a clear recommendation or recommended deferral. In other cases, reports highlighted differences of view across different sections of planning i.e. local plans and development control. From these comments there

would appear to be a need for a better inter-relationship between policy and implementation and consistency of application of policy: it may be that some policy is out of date but it will be important not to give the impression that there are different interpretations of policy.

Performance on applications was reported to Panels but only in relation to the specific Panel i.e. no comparison or overall performance, and only the numbers were listed with no comment, evaluation or recommendation.

Overall there would be considerable benefits in reconsidering the whole agenda, its order, content, style and also what reports are submitted and in what form.

3.6   Workshops with members/officers to consider findings from the review

Member workshop

Six members were present to discuss the draft report. Members agreed with general thrust of the findings. During the discussion the following issues were raised:

- Should the Plans Panel include members from the home ward?
- There was a need for greater understanding by members of the public as to what the council can do in respect of planning applications
- Minimum standards for consultation on major applications need to be re-examined – at the moment some members are sending out letters to interested parties to advise them of the receipt of planning applications as they believe current council practice is to give notification by way of notices not individual letters of notification
- The need for a protocol for pre-application discussions was agreed
- Members would like to see the extension of the position reports and for members to be given additional information as to the progress of current applications and those the subject of pre-application discussions and to be involved in discussions on the priorities for section 106
- Members would like weekly lists to flag up those applications which will be considered at Panel and a target date
- It was agreed there was a need to free up time of the Panels in order to ensure capacity to provide pre-application advice
- Members wish to be seen as a resource rather than a threat to developers
- Although there are examples of good relationships between members and officers there are some issues which result in more applications being called into the Panel. Earlier involvement of members with officers would help these situations and hopefully avoid some applications going to Panel. In order to increase delegation more information needs to be provided to members. E-planning enablement would help this process when fully instigated.

- Members agreed there was a need for a better relationship with policy and implementation. Members feel that they are unaware of the latest guidance and advice. They are particularly concerned about advice from the highways section in relation to capacity given their local knowledge
- The room used for Panel meetings requires improvement. This is not just true for Panel meetings but also other public meetings and the council should invest in ensuring there is good provision.
- There is a need to educate members that site visits should be confined to those where there is added value. There should be clear criteria and visits should be agreed by Chair in conjunction with the CPO. This would require a change in the constitution.
- Members proposed setting up of a small working group of members and officers to draw up an Action Plan following the review and then monitor its implementation.

Officer workshop

Officers reviewed the report's conclusions and recommendations in detail. There was some concern that the report did not reflect the changes that had already been implemented and it was important to see the review of Panels as part of the wider ongoing improvement process. It was considered important to acknowledge that the workloads were high, officers were very stretched and this affected what could be achieved. There were some concerns about the practicality of implementing some of the recommendations but following the review of recommended actions it was not suggested that any be deleted.

3.7 Conclusions

Planning is extremely important to the image of the city in terms of both service delivery/process and the outcomes achieved. It is likely to be of growing importance. There is a clear view from all parties – members, officers and consumers – that at the moment the standard of the service and what it is achieving is not at the level required given the desire to be excellent and therefore changes are needed. The service has already initiated many changes. There are, however, a number of further changes that could be made relatively easily that could substantially improve performance. There are also a number of other changes that could substantially improve the service but are likely to be more challenging to implement. On the issues and the priorities for improvement there is substantial agreement.

The key overall concerns were:
- The need to improve the working relationship between all parties to the planning service – community, applicants, members – both in relation to processes and outcomes – this is to ensure confidence in the judgements made

- The culture of the authority is not as conducive as it needs to be to ensure an effective officer member partnership and both members and officers fulfilling their respective roles
- Workloads on members and officers are too high affecting the quality of the service and the outcomes
- The perceived quality of the service is affecting the image of the city and the council as it is a key shop window: the service to members, applicants and the community is not high as is now required
- Where protocols do exist they are not always consistently applied and the authority's policies are not also always being consistently applied: the Plans Panels are not engaged in the development of policy at present which may be part of the problem
- Members are tending to get engaged in very small scale developments and detail at the expense of other more strategic issues – to some extent undertaking the officer roles as a result of historic practices and given current member officer relationships
- Members tend sometimes to pursue their own interests rather than acting as quasi legal executive body and making decisions in the wider public interest based on sound professional planning advice: meetings are not as "business like" as needed given the role and pressure on the planning service

4.   National good practice guidance

There is a considerable and growing range of good practice available about the role of members and their relationship to the planning process but little specifically on the operation of committees or Panels. Reference has therefore been made to The Code of Conduct, Guide for Members May 2007; Positive engagement – a guide for planning councillors (ODPM /PAS/ LGA/ RTPI/ AOCSS/ SBfE); Member enjoyment in planning matters – LGA; constructive talk – investing in pre-application discussions (by a consortium led by PAS); Councillor Competencies in planning (IDeA/PAS); and Area-based decision making - a PAS publication; as well as our own experience across the country.

From this range of guidance the following principles can be derived - the planning process must be and seen to be:
- **Transparent** – to members, the community and applicants of all types whether large or small, developers or householders
- **Fair –**to be applying the same rules, both process and policy, consistently across all Panels, with delegated decisions, between officers and members
- **Value for money** – efficient and effective: ensuring that time and money is spent to greatest effect and on the matters of key importance
- **Best practice** – evolves continually to ensure that it takes account of the changing requirements of the area and the system

- **Fit for purpose** – the planning process needs to meet the needs of the community, the authority and be set within the legal and performance framework
- **Be seeking excellence** – all authorities need to be continually improving across all services

The Planning Advisory Service undertook some research over the last two years reviewing area based committees and their operation. The **PAS report on area based committees** concluded from their research that the critical issues affecting the overall performance on development control were:
- Frequency of meetings
- Democratic structures and delegation
- Public participation
- Councillor roles in planning
- Training
- Resources

Considering these issues the guidelines produced suggest that where authorities have area based committees they need to consider whether:
- The committee cycle times facilitate the 8/13 week cycle. In Leeds the Plans Panels meet every month and the cycle is not considered to affect the ability to meet the targets.
- Ensuring effective use of delegation
- Ensure delegation means that decisions made at the appropriate level given the conformity of the proposal to policy
- Amalgamating areas to produce agendas of a reasonable length to complement the frequency of meetings
- Avoiding having all ward members on the area committee so that some can perform the representative role for local community interests
- Reduce or eliminate the right of call in or referral to improve performance and responsibility for the decision made
- Reduce the number of meetings to match the capacity of officers to adequately support them
- Provide regular, robust and compulsory training for members on planning committees and reserves
- Keep the business of determining planning applications separate from other council business in area committees, preferably a separate meeting

In the recent PAS pre-application guidance "Constructive Talk" and other recent guidance it is recognised that major applications are likely to be determined by members. It is also acknowledged that members have been advised in many authorities to withdraw from meeting with developers and/or interest groups given concern that they could not then act impartially when making planning decisions. Current government advice is quite clear that members **should** involve

themselves in discussions with developers, constituents and others about planning cases **provided** they observe the advice in the "positive planning" leaflet[2] at pre-application stage. They are advised, however, to exercise caution in doing so once the application is submitted.

A number of examples are given in the published document as to pre-application engagement by the authority at member and officer level including Waverley Borough Council's development control forum, concept statements by Chelmsford Borough Council, following officer discussions at pre-application stage an issues report to members in Birmingham City Council, and a pre-applications meeting report in Camden.

The "do's and don'ts" of member engagement in planning in the leaflet "**positive engagement"** are as follows:

DO		DON'T	
✓	Hold discussions before a planning application is submitted to the authority not after	X	Meet developers alone or put yourself in a position where you appear to favour a person, company or group – even a "friendly" private discussions with a developer could cause others to mistrust your impartiality
✓	Preface any discussions with a disclaimer – make clear at the outset that discussions are not binding	X	Accept gifts or hospitality
✓	Keep a note of meetings and calls	X	Expect to lobby and actively support or resist an application and still vote at committee (or even stay in the room during discussions)
✓	Recognise the distinction between giving advice and negotiation	X	Seek to influence officers or put pressure on them to support a particular course of action in relation to a planning application
✓	Structure discussions and involve officers	X	Invent local guides on probity which are not compatible with the current national guidance
✓	Stick to policies included in adopted plans but also pay heed to any other considerations relevant to planning	X	

---

[2] positive engagement: a guide for planning councillors – ODPM, PAS, LGA, RTPI, ACSS, Standards Board

✓	Use meetings to show leadership and vision	**X**	
✓	Encourage positive outcomes	**X**	
✓	Seek training in probity matters	**X**	

Many authorities have developed a specific planning protocol setting out in detail how they intend to operate the planning process, the member role and limitations, their engagement with stakeholders and have linked this to a range of published documents and leaflets clearly outlining specific service standards and protocols e.g. for pre-application discussions, member engagement in planning particularly as ward members or on decision-making bodies, the standard of performance, site visits, the operation of committees and member officer relations and their roles.

5. Suggested changes

In the light of the overall assessment it is suggested that a number of improvements and changes could be introduced which would be of benefit to all parties. The proposed improvements range from seeking to improve the working relationship between members and officers to increase its effectiveness through training and development for both members and officers, to changes in the operation of the Panels and the way they are serviced. They are aimed at meeting the following priorities and objectives:
- Improved decision-making both at the Panels and through officer delegation
- Increased user and community satisfaction
- More effective use of both member and officer resources
- Enhanced actual outcomes including increased predictability

From all the discussions and investigation carried out the above objectives were sought and agreed by all.

The areas of suggested change include:

A.   The operation of the Panels

It is suggested that there should be a new set of protocols and procedures laid down for the operation of the Panels to ensure that their workload is more manageable; the quality of the result is better in terms of decisions and member/officer/attendee experience; the authority's resources at member and officer level are used more effectively. In detail this means short term improvements could include:

1.   Panel agendas reordered so that items where the public are speaking come first or the items are of strategic importance or are of key public interest;

they should be timed with not only a consistently applied start time but also finish time which should be no later that 6pm.

2. The style of the agenda redrafted so that all matters are included in it i.e. so clarity about site visits, presentations, applications and officer recommendations on all items

3. A revised basis for member call-in of delegated items to Panel to reduce the volume of lower level work for Panels and give scope for shorter and more strategically focused meetings e.g. by changing the rules for call in and possibly introducing a vetting role by the Chairs in conjunction with the Chief Planning Officer. The criteria for delegation may also need to be reviewed to maximise the time for non minor matters and shorten the meeting.

4. A review of the basis on which site visits are held to provide for a tighter control of the number of site visits, their length and how they are run as well as a review as to the timing/day of the actual visit.

5. The formulation of a clear protocol as to the types of pre-application discussions to be presented to Panel and the form of the report, or reports, and their timing.

6. A revised form of officer planning application report to ensure clarity, consistency, ease of reading and overall quality. To ensure consistency there should be tighter quality control of the report by senior officers and a revised report template would be of benefit. In addition, the presentation of the reports by officers should be revised so that reports are taken as read unless they are significant and complex when a brief presentation should be provided which focuses on the key aspects for debate. Officers should ensure reports cover all the key facts and aspects, and their evaluation, and should be able to respond to any member queries at the meeting. Following member debate and prior to a decision officers should have the opportunity to summarise issues and conclusions, and highlight significant factors to ensure that there is clarity about the weighting and balance of the matters discussed.

7. The "rules of engagement" by members at Panels should be revised so that items are discussed if there areas of disagreement otherwise be voted on "as on paper"; where there are presentations strict timetables should be maintained, then questions asked followed by a brief debate and conclusion; meetings should be tightly chaired including ensuring members don't repeat matters already covered, any questions are clearly responded to, the outcome of discussion is summarised and recommendation moved, the outcome of votes is stated; members stay in the room during items or don't take part in the vote and do not have conversations with other members or the attendees during debate.

8. The reports on appeals and performance should be reviewed so that they are brief; focusing on the key messages and action to be taken or recommended. For example, for appeals other than in cases where there are costs a quarterly report covering all the Panels' activity may suffice which highlights any performance issues and subsequent proposed action;

for BVPI performance again a quarterly comprehensive report would be of benefit comparing Panels' performance and looking at all aspects of the performance together with suggested member and officer actions. Target dates in planning application reports would help this process.

9. To improve the customer experience and give better customer care it is suggested that at the beginning of meeting members and officers' state who they are, also the Chair could state who they are when inviting them to speak, and ensure that it is clear which item is under discussion and what the decision was when going through the agenda (where this is not already occurring).

10. In terms of public speaking on items it may be beneficial to review this protocol to ensure that the time is focused where it will add value to the decision and it is important that the time set aside is adhered to. Prior approval to speak, at least a few days before the meeting, should be required and there should only be one opportunity to do so on an application. In most authorities the Chair will agree a number of days prior to the meeting which items should be subject to this procedure following a request (often limited to 3 items and meeting clear criteria) with a maximum of 3 minutes for each side to be followed by member questions and then discussion. Leaflets on the way the Panel operates and who is there would help those attending, as would further improved audio visual arrangements, including the display of plans. Some of this work has already started and it is understood that a leaflet will shortly be available.

11. Some attention needs to be given to the number of deferrals and overturns and the reasons for it. The overall scale of this issue in terms of figures was not available prior to writing this report. Better officer reports should assist this as will a different approach by the Chair and members. However underlying it would appear to be a need for closer working relationships between members and officers and this will need to be subject to a longer term process of change.

12. Where there are late comments these should be written up and laid round the table as a supplementary note rather than delivered orally and they can then be referred to if raising new issues not covered in the report

13. Members or the community/applicant should be encouraged to contact the case officer in advance of the Panel meeting if they have queries not in the report, there are factual errors etc. so that these can be checked prior to the meeting and if necessary covered in the supplementary report on the day.

14. Reports should ensure they cover legal, transport and health impact issues effectively and officers present should ensure that they are in a position to deal with concerns or queries raised. Both should take a proactive role at Panel. Planning officers should also ensure they are proactive at Panel and that members are clear on the facts and issues, the implications of their decisions and any reasons for refusal where they determine it contrary to officer recommendation. Both the Chair and the lead officer need to provide leadership to the process of decision-making.

15. Reports should include the heads of terms of any section 106 agreement proposed and detail of other key documents required as part of the application e.g. travel plan. Where documents are critical but lengthy originals can be placed in the members' room for reference and summarised in reports.

16. More capacity should be realised through the above changes to allow Panels time to receive and debate Position Statements and for all Panels to have pre-application workshops as Central Panel already does but with clear criteria and protocols to ensure effective use of member and officer time and the process does not become too demanding and adds value. This would provide the opportunity for members and officers to actively debate key matters and recognise their importance to Leeds.

B.   Training and development for officers and members

A number of the matters that have been raised in the discussions suggest a need for some member and officer development. At member level there are a considerable number of new national requirements and pressures and this is likely to continue. For officers it is also important to adjust and improve performance to match the increasing level of expectation of the planning service.

The requirement for member training and development for those engaged in planning is likely to become statutory if the current proposals in the Planning White Paper are implemented. It is important that the relationship between members and officers is as effective as possible and this review has indicated that there are areas which require improvement for Leeds to be an exemplar authority. There are a number of approaches that could be taken. The simplest matters could be carried out relatively quickly i.e. officer training on presentations and report writing; member chairing skills and member development on the new performance based planning system and probity/propriety requirements as well as a review on the development management process. In addition there is the new PAS publication on the skill requirements for members which could be used as the basis for development. PAS also has a number of member training packages which are available on their website.

It would probably be of benefit to arrange a facilitated discussion with members focusing on a number of aspects of the operation of the Panel to develop ownership of new "rules of engagement".

The suggested changes in this report will require agreement and support by officers and members. The proposal for a joint action group of members and officers to oversee an action plan and ensure its implementation is positive and should facilitate this process. Facilitated discussion and training could also assist with the development of new ways of working on such aspects as section 106, member officer interface, policy relationship with development management, pre-

application discussions, integrated working with e.g. transport, health and legal officers.

C. Resources

The pressure on members and officers is considerable. With some 8,000 applications of which about 230 are major applications, plus work on pre-application discussions, the discharge of conditions, enforcement etc. the service has a high workload. The above changes should alleviate some of the pressure for both parties but, in the context of officer workloads, there appears a need to review staffing levels. From work undertaken for the ODPM/CLG and subsequently for PAS we have devised a maximum caseload benchmark as 150 cases per case officer. This needs to be adjusted to take account of the nature of applications, the number of committee meetings and other pressures on officer time e.g. site visits, appeal and pre-application workload and also those matters outside the CLG development control statistics. It is understood that the figure in Leeds is approximately 180 cases per case officer which, given the nature of the workload, far exceeds the benchmark suggested. In these circumstances a review of resourcing levels including also skills could be beneficial to address some of the issues raised. The workload of servicing 3 panels for both professional and administrative/support staff is also significant and needs to be taken into account.

D. Community and member interface with officers

As part of improving the performance of planning it will be clearly important to enhance the relationship between the community and the service, both officers and members. It would appear that some of the reasons for applications being debated in Panels is to give confidence to the community and to provide a platform for members rather than because they are complex or controversial cases. It is important that the community perceive a quality officers member relationship so it is suggested that a programme be developed designed to enhance the relationships between community/applicant and officers as well as between members and officers.

The establishment of standards, publication of leaflets, clear criteria for engaging the community, opportunities for dialogue will all assist this process alongside quality advice and officer contact. The community need to be able to engage with officers as do members outside the Panel meetings so that as far as possible matters are resolved before Panel meetings or delegated decisions where appropriate. A system of member engagement outside the Panel may be beneficial as long as it accords with the guidelines set out earlier on probity and decision-making.

Such guidance could form part of a revised development management manual picking up many of the issues identified including consistency of action as well as ensure that Leeds development control service moves ahead into the new era of development management and achieves an excellent level of service. It could include arrangements for pre-applications discussions, development team meetings, engagement with other parts of the authority especially transport, policy and legal, use of Planning Process Agreements, section 106 procedures, protocols around conditions, new arrangements for vetting applications on arrival by senior officers, Panel and delegated report templates. Where appropriate such information can also be transformed into guidance for applicants and the community in the form of leaflets.

E.   Plans Panel engagement with the LDF and policy development

Concerns were expressed about the inter-relationship of policy and development control. Panels are not engaged with the LDF, nor do they receive information about new national guidance, and development control officers are in a separate division to policy and local plans. In terms of the latter it is essential that members and the outside world see planning as an integrated whole so that arrangements need to be put in place to improve the operational working relationship and to ensure that there is cohesion between policy development and implementation. This will become increasingly important as the new planning system is imbedded and evolves. It is suggested that development control officers and Panel members are more effectively engaged in the LDF process, the development of planning briefs and Area Action Plans to minimise the current gap. Joint discussions, if not currently held, would help as would the attendance of policy officers with other key officers e.g. transport at the discussions that should be held with senior officers on draft application reports before sign off for Panel. Involvement of Plans Panels in the adoption of planning briefs also needs to be looked at.

Officers possibly need to review the mechanisms they currently have for dialogue at key stages with transport, housing and legal as well a policy. This should ensure more joined up thinking is presented to members and to the public through committee reports.

F.   Number of Plans Panels, roles and coverage

It was suggested in discussion that an additional Panel may be the solution to the workload of the Panels. Given the way the Panels currently operate the likelihood is that the creation of an additional Panel would exacerbate the current problems in the operation of Panels. It is seeking to deal with the problem rather than the causes of the problem. It is suggested that the changes highlighted above should in time relieve the current issues and it would be preferable to seek this route, at least in the first instance. There is evidence from the research done for

PAS that the number committee meetings on development control has substantial implications for officer workloads as does the number of matters on the agenda. Given the current shortfall in resources, let alone the additional cost of another Panel, the established of another Panel is likely to reduce not improve service quality unless there is a substantial increase in staffing.

To fulfil the challenges raised by the review more focused agendas including some discussion on policy matters or briefing on LDF, pre-application discussions as well as key major planning applications and overall performance would seem appropriate. Many authorities succeed in this approach and have manageable agendas with debate focused mainly on areas of disagreement or choice even with one meeting. The scale of work in Leeds is substantial so this is unlikely to be practical.

A possible alternative is to establish a Panel dealing solely with the major applications with the other Panels covering the broader range as some authorities already do. Given the nature of applications and the number of major applications this may not be feasible in Leeds and would need further review. In addition it may again reinforce the nature of the agendas and discussion already in place in Leeds and not the desire to be more business-like and efficient.

Interviewees

Officer Group discussion

Phil Crabtree   Chief Planning Officer
Sue Wraith   Head of Planning Services
Martin Sellens   Area Planning Manager
John Redding   Area Planning Manager
Christine Naylor   Principal Planning Manager
Robert Wade   Section Head, Chief Executive's Department
Helen Cerroti   Development Project Manager

Member interviews

Councillor Elizabeth Minkin   Member of City Centre Plans Panel and West Plans Panel
Cllr Judith Blake   Labour Deputy Leader
Cllr Michael Lyons   Labour, member of East Plans Panel
Cllr Peter Gruen   Labour, member of East Plans Panel
Cllr Amanda Carter   Conservative, Chair of Central Plans Panel

Private sector interviews

Sue Ansbro   Director of White Young Green Planning, Chair of the Property Forum
Paul Morris   Director Commercial for Morris Property Trading Ltd representing the Property Forum

References

Documents provided by Leeds

1. Finding from the plans panel customer satisfaction survey
2. Leeds City Council – report of Director of Legal and Democratic Services 15 May 2003
3. Letter to Phil Crabtree from Simon Grundy Colliers CRE dated 18[t]June 2007 Planning & Regeneration within Leeds – Meeting 25 June 2007
4. Leeds City Council – Planning performance draft scrutiny inquiry report March 2007
5. Summary of comments from BVP111
6. Comments from the plans panels
7. Officers issues from meeting on 27 June 2007
8. Briefing note to staff by Phil Crabtree
9. Briefing note for Councillor G Driver by Phil Crabtree Role of plans panels
10. Briefing note for plans panel members by Phil Crabtree
11. Leeds City Council Governance of Plans Panels dated 16 May 2007 Executive Summary
12. Letter to Cllr Morton re Westward Care Ltd from Peter Hodkinson dated 21 June 2007
13. Panel review: issues raised by plans panel members
14. Notes from conversation with Cllr Campbell 25 June 2007
15. Proposal for an amendment to the code of practice for determining planning applications – site visits
16. Code of practice for the determination of planning matters May 2007
17. Letter to Cllr Leadley re Carriageworks meeting 3 July 2007 by Phil Crabtree
18. Service improvement action plan draft v1
19. Leeds City Council Plan Panel (East) public document pack for meeting held at the Civic Hall on 7 June 2007 at 1.30pm
20. Leeds City Council Plan Panel (West) public document pack for meeting held at the Civic Hall on 14 June 2007 at 2pm

Publications reviewed

1. Member's guide to performance management by IDeA and Audit Commission
2. Positive engagement a guide for planning councillors by PAS, RTPI, ODPM & others
3. Councillor involvement in planning decisions by CLG January 2007
4. The impact of the Local Government White Paper on councillors on IDeA website
5. Simpler, clearer code of conduct for local councillors, CLG News Release 2007/0087

6. Area-based decision making (ABDM) for development control: a review by Andrew Ross for PAS
7. A councillors guide to performance management by IDeA
   A councillor's guide to performance management by IDeA & Audit Commission June 2006
8. Elected member's planning skills framework by PAS
9. The political skills framework a councillors toolkit by Professor Jo Silvester for IDeA
10. Statutory Instrument 2007 No 1159 The local authorities (Model Code of Conduct) Order 2007
11. Constructive talk investing in pre-application discussions PAS
    Chapter 4 Early Member involvement – Councillor involvement in planning decision 2007 DCLG